

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

DATATREASURY CORPORATION,

Plaintiff

v.

WELLS FARGO & COMPANY; WELLS FARGO & COMPANY; WELLS FARGO BANK, NATIONAL ASSOCIATION; BANK OF AMERICA CORPORATION; BANK OF AMERICA, NATIONAL ASSOCIATION; U.S. BANCORP; U.S. BANK, NATIONAL ASSOCIATION; WACHOVIA CORPORATION; WACHOVIA BANK, NATIONAL ASSOCIATION; SUNTRUST BANKS, INC.; SUNTRUST BANK; BB&T CORPORATION; BRANCH BANKING AND TRUST COMPANY; BANCORPSOUTH, INC.; BANCORPSOUTH BANK; COMPASS BANCSHARES, INC.; COMPASS BANK; CULLEN/FROST BANKERS, INC.; THE FROST NATIONAL BANK; FIRST HORIZON NATIONAL CORPORATION; FIRST TENNESSEE BANK, NATIONAL ASSOCIATION; HSBC NORTH AMERICA HOLDINGS INC.; HSBC BANK USA, N.A.; HARRIS BANKCORP, INC.; HARRIS N.A.; NATIONAL CITY CORPORATION; NATIONAL CITY BANK; ZIONS BANCORPORATION; ZIONS FIRST NATIONAL BANK; BANK OF NEW YORK CO., INC.; THE BANK OF NEW YORK; UNIONBANCAL CORPORATION; UNION BANK OF CALIFORNIA, NATIONAL ASSOCIATION; BANK OF TOKYO-MITSUBISHI UFJ, LTD.; CITIZENS FINANCIAL GROUP, INC.

Civil Action No. 2:06-CV-72 DF

CITY NATIONAL CORPORATION;  
CITY NATIONAL BANK; COMERICA  
INCORPORATED; COMERICA BANK &  
TRUST, NATIONAL ASSOCIATION;  
DEUTSCHE BANK TRUST COMPANY  
AMERICAS; FIRST CITIZENS  
BANCSHARES, INC.; FIRST CITIZENS  
BANK & TRUST COMPANY;  
KEYCORP; KEYBANK NATIONAL  
ASSOCIATION; LASALLE BANK  
CORPORATION; LASALLE BANK NA;  
M&T BANK CORPORATION; M&T  
BANK; THE PNC FINANCIAL  
SERVICES GROUP, INC.; PNC BANK,  
NATIONAL ASSOCIATION  
UBS AMERICAS, INC.; SMALL VALUE  
PAYMENTS COMPANY, LLC; THE  
CLEARING HOUSE PAYMENTS  
COMPANY, LLC; MAGTEK, INC; FIRST  
DATA CORPORATION; TELECHECK  
SERVICES, INC., REMITCO, LLC; and  
ELECTRONIC DATA SYSTEMS CORP.

Defendants.

**NOTICE OF SERVICE OF DEFENDANTS M&T BANK CORPORATION  
AND M&T BANK'S PROPOSED TERMS AND CLAIM ELEMENTS FOR  
CONSTRUCTION**

Defendants M&T Bank and M&T Bank Corporation hereby provide notice  
that on February 7, 2007, they served their proposed terms and claim elements for  
construction on counsel of record for DataTreasury Corporation, pursuant to Local  
Patent Rule 4-1(a).

This 8<sup>th</sup> day of February, 2007.

/s/ Audra A. Dial  
William H. Boice  
Steven Gardner  
E. Danielle Thompson Williams  
Audra A. Dial  
Bret T. Winterle

KILPATRICK STOCKTON LLP  
Suite 2800  
1100 Peachtree Street  
Atlanta, GA 30309-4530  
Telephone: (404) 815-6500  
Fax: (404) 815-6555

1001 West 4<sup>th</sup> Street  
Winston-Salem, NC 27104  
Telephone: (336) 607-7300  
Fax: (336) 607-7500

Damon Young  
YOUNG, PICKETT & LEE  
4122 Texas Boulevard  
P. O. Box 1897  
Texarkana, TX 75504

Attorneys for Defendants M&T Bank and  
M&T Bank Corporation

**CERTIFICATE OF SERVICE**

I hereby certify that on this date I caused to be served the foregoing NOTICE OF SERVICE OF PROPOSED TERMS AND CLAIM ELEMENTS FOR CONSTRUCTION on Plaintiff's counsel of record by electronic mail via the Court's CM/ECF system, pursuant to Local Court Rule 5, addressed as follows:

Edward L. Hohn, Esq.	edhohn@nixlawfirm.com
Edward K. Chin, Esq.	edchin@nixlawfirm.com
Nix Patterson & Roach, L.L.P.	
5215 N. O'Connor Blvd.	
Suite 1900	
Irving, TX 75039	
Harold Wayne Nix	haroldnix@nixlawfirm.com
Nix Patterson & Roach, L.L.P.	
205 Linda Drive	
Daingerfield, TX 75638	
Louis Brady Paddock, Esq.	bpaddock@nixlawfirm.com
Anthony Bruster, Esq.	akbruster@nixlawfirm.com
Richard B. King, Esq.	benking@nixlawfirm.com
Charles Cary Patterson, Esq.	ccp@nixlawfirm.com
Nix Patterson & Roach, L.L.P.	
2900 St. Michael Dr., 5 <sup>th</sup> Floor	
Texarkana, TX 75503	
Rod A. Cooper, JD, MA	rcooper@cooperiplaw.com
The Cooper Law Firm	
5215 N. O'Connor Blvd.	
Suite 1900	
Irving, TX 75039	
Eric M. Albritton, Esq.	ema@emafirm.com
Albritton Law Firm	
109 W. Tyler	
Longview, TX 75601	
Joe Kendall, Esq.	jkendall@provostumphrey.com
Karl Rupp, Esq.	krupp@provostumphrey.com
Provost Umphrey Law Firm, L.L.P.	
3232 McKinney Avenue, Suite 700	
Dallas, TX 75204	
T. John Ward Jr.	jw@jwfirrm.com

Law Office of T. John Ward, Jr. P.C.  
109 W. Tyler  
Longview, TX 75601

This 8th day of February, 2007.

s/ Audra A. Dial  
Audra A. Dial

Attorney for M&T Bank and M&T  
Bank Corporation